

BEVERAGES AND BEVERAGE MATERIALS

16401. Adulteration of strawberry soda pop and Double cola. U. S. v. Frank A. Schorgl and Matt J. Hoey, Jr. (Nesbitt Bottling Co.). Pleas of nolo contendere. Fine of \$100 against each defendant. (F. D. C. No. 23244. Sample Nos. 67320-H to 67323-H, incl.)

INFORMATION FILED: November 25, 1947, Western District of Missouri, against Frank A. Schorgl and Matt J. Hoey, Jr., copartners, trading as the Nesbitt Bottling Co., Kansas City, Mo.

ALLEGED SHIPMENT: Between the approximate dates of July 27 and 30, 1946, from the State of Missouri into the State of Kansas.

LABEL, IN PART: "Artificial Color & Flavor Big Red Strawberry" and "Double Cola Flavor From Seminole Flavor Company."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, sugar, had been in part omitted from the articles; Section 402 (b) (2), beverages sweetened in part with saccharin had been substituted for beverages sweetened with sugar; and, Section 402 (b) (4), saccharin had been added to the articles and mixed with them so as to reduce their quality.

DISPOSITION: On February 10, 1950, Frank A. Schorgl entered a plea of nolo contendere and was fined \$100; on May 5, 1950, Matt J. Hoey, Jr., also entered a plea of nolo contendere and was fined \$100.

16402. Adulteration and misbranding of Albert's Portland punch. U. S. v. 107 Cases, etc. (F. D. C. No. 27923. Sample Nos. 50817-K to 50819-K, incl.)

LIBEL FILED: October 20, 1949, Western District of Washington.

ALLEGED SHIPMENT: On or about July 26 and 27 and August 31, 1949, by Albert's Products Co., Inc., from Portland, Oreg.

PRODUCT: Albert's Portland punch. 107 cases, each containing 24 12-ounce bottles, and 97 cases, each containing 12 24-ounce bottles, at Seattle, Wash.

LABEL, IN PART: "Albert's Portland Punch Loganberry-Raspberry Concentrate Made from Sugar, Water and Raspberry Juice, Flavor Base of Loganberry, Raspberry and Orange."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2) an article containing little or no loganberry or raspberry juice, but containing sugar, certified color, and acid, had been substituted in whole or in part for loganberry-raspberry concentrate, which the article purported to be.

Misbranding, Section 403 (a), the vignette depicting clusters of berries, together with the statements "Loganberry-Raspberry Concentrate Made from Sugar, Water and Raspberry Juice, Flavor Base of Loganberry, Raspberry and Orange," were false and misleading since the product contained little or no loganberry or raspberry juice.

DISPOSITION: May 25, 1950. Albert's Products Co., Inc., of Portland, Oreg., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond, to be relabeled under the supervision of the Food and Drug Administration.

16403. Misbranding of frozen concentrated orange juice. U. S. v. 399 Cases * * *. (F. D. C. No. 28877. Sample No. 68849-K.)

LIBEL FILED: February 28, 1950, Western District of Washington; amended libel filed June 29, 1950.

ALLEGED SHIPMENT: On or about December 2, 1949, by Pure Fruit Juices, Inc., from La Habra, Calif., to Wenatchee, Wash.

PRODUCT: 399 cases, each containing 48 6-ounce cans, of orange juice at Seattle, Wash.

LABEL, IN PART: "Cedergreen Brand Frozen Fresh Concentrated Orange Juice."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statements "Frozen Fresh Concentrated Orange Juice * * * Makes 1½ Pints * * * Fill This Can With Cold Water 3 Times, Add To Concentrate * * * Quick Frozen To Retain The Natural Flavor And Abundant Vitamin C" were misleading since they represented and suggested that the article was concentrated orange juice and that when diluted as directed, it would make a product equal in orange juice solids and vitamin C to that of orange juice, whereas the article contained added sugar and the diluted product would contain only about 71 percent of the orange juice solids and vitamin C present in orange juice.

DISPOSITION: August 7, 1950. The Cedergreen Frozen Pack Corp., Wenatchee, Wash., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling, under the supervision of the Federal Security Agency.

16404. Adulteration of tomato juice and canned tomatoes. U. S. v. Virgil Etchison (New Palestine Canning Co. and Omega Canning Co.). Plea of guilty. Fine, \$300. (F. D. C. No. 29184. Sample Nos. 8460-K, 46319-K, 70902-K.)

INFORMATION FILED: June 19, 1950, Southern District of Indiana, against Virgil Etchison, trading as the New Palestine Canning Co. at New Palestine, Ind., and as the Omega Canning Co. at Atlanta, Ind.

ALLEGED SHIPMENT: On or about May 31, September 20, and November 9, 1949, from the State of Indiana into the States of New Jersey, Illinois, and Missouri.

LABEL, IN PART: (Can) "New Palestine Tomato Juice [or "Tomatoes"] Packed by New Palestine Canning Co., New Palestine, Ind." and "Mrs. Lane's Tomatoes * * * Foodland, Inc. Distributors Cleveland, Ohio."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the tomato juice consisted in part of a decomposed substance by reason of the presence of decomposed tomato material, and the canned tomatoes consisted in part of a filthy substance by reason of the presence of vinegar fly eggs and maggots; and, Section 402 (a) (4), the canned tomatoes had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: July 14, 1950. A plea of guilty having been entered, the court imposed a fine of \$300.

16405. Adulteration of tomato juice. U. S. v. Woodruff Canning Co., Inc. Plea of guilty. Fine, \$125. (F. D. C. No. 29164. Sample Nos. 46354-K to 46356-K, incl., 64099-K, 64451-K.)

INFORMATION FILED: May 16, 1950, Southern District of Indiana, against Woodruff Canning Co., Inc., Goldsmith, Ind.

ALLEGED SHIPMENT: On or about October 26 and November 2, 9, and 21, 1949, from the State of Indiana into the States of Illinois and Minnesota.